

DETAILED ACTION

Claims 1, 14-16, 18, 23, 24, 27, 28, and 30-35 are pending in the instant application. Claims 30-35 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to non-elected subject matter. The withdrawn subject matter is patentably distinct from the elected subject matter as it differs in structure and element and would require separate search considerations. In addition, a reference which anticipates one group would not render obvious the other. Claims 1, 15 and 28 are rejected. Claim 14 is objected. Claims 16, 18, 23, 24, and 27 are allowed.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 15, 2011 has been entered.

Response to Amendment and Arguments/Remarks

The amendment and arguments/remarks filed on February 15, 2011 have been fully considered and entered into the application. With regards to the 35 U.S.C. 102(b) rejection as being anticipated by WO 02/057236 and the claim objections, the grounds for rejection and objection have been found to be moot in view of Applicant's amendment and the rejection and objections have been withdrawn.

Claim Rejections - 35 USC § 102

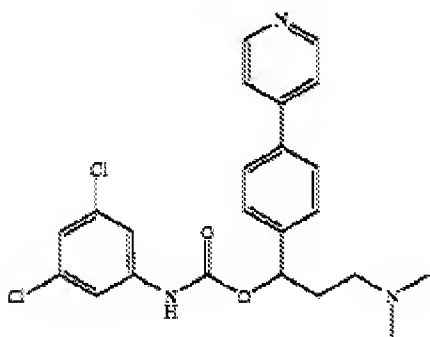
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 15 and 28 are rejected under 35 U.S.C. 102(a) as being anticipated by US 2003/0092715 A1.

US 2003/0092715 A1 discloses compounds and pharmaceutical compositions containing one or more of the compounds (see abstract), such as the compound



(see Example 33, [0276]) which anticipates a compound of the instant claims.

Claim Objections

Claim 14 is objected to because of the following informalities: the claim depends on a previously canceled claim. Appropriate correction is required.

Allowable Subject Matter

Claims 16, 18, 23, 24, and 27 are allowed. No prior art was found.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTIN BIANCHI whose telephone number is (571)270-5232. The examiner can normally be reached on Mon-Fri 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Kosar can be reached on 571-272-0913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kristin Bianchi/
Examiner, Art Unit 1622

Application/Control Number: 10/569,873
Art Unit: 1622

Page 5